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Professional Corporation

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27 SEP 2007

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SEATTLE  
WASHINGTON, D.C.  
FRANKFURT

INTELLECTUAL PROPERTY LAW

DATE: September 27, 2007

FILE # 20517/0205421-US0:

| FACSIMILE NO. | RECIPIENT AND COMPANY                       | CONFIRMATION<br>WILL FOLLOW |
|---------------|---|-----------------------------|
| 571-273-0459  | PCT Legal Dept<br>Patent & Trademark Office | No                          |

FROM: Julian A. Williams

E-MAIL: [jwilliams@darbylaw.com](mailto:jwilliams@darbylaw.com)

PHONE: 917.286.2940

NO. OF PAGES: 14  
(including cover page)

COMMENTS:

**PLEASE RETURN TO JULIAN A. WILLIAMS****\* IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT 212.527.7774**

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PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY  
EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR  
DEPOSIT ACCOUNT NO. 04-0100

Docket No.: 20517/0205421-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jakob Felding et. al.

Serial No.: 10/599,121

Filed: June 1, 2007

For: DIPHENYL OX-INDOL-2-ONE COMPOUNDS AND THEIR USE IN THE TREATMENT  
OF CANCER

-----  
REQUEST FOR CORRECTED FILING RECEIPT  
AND NOTICE OF ACCEPTANCE

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is:

- ☒ incorrectly entered  
☐ omitted. and/or

{W:\20517\0205421-us0\01248552.DOC 10/27/07 08:47 FAX 212 608 6644 } }

| Error in  | Correct data   |
|---|--|
| <input type="checkbox"/> Applicant's name               |  |
| <input type="checkbox"/> Applicant's address            |  |
| <input type="checkbox"/> Title                          |  |
| <input type="checkbox"/> Filing Date                    |  |
| <input checked="" type="checkbox"/> Priority Date       | 04/08/2004   |
| <input checked="" type="checkbox"/> Foreign Application | Denmark PA 2004 00576 04/08/2004<br>Denmark PA 2004 00693 05/01/2004<br>Denmark PA 2004 01153 07/27/2004<br>Denmark PA 2004 01216 08/11/2004 |
| <input type="checkbox"/> Other                          |  |

## Remarks:

Enclosed please find a copy of the Executed Declaration.

The Commissioner is respectfully requested to issue a new and correct Filing Receipt and Notice of Acceptance.

Respectfully submitted,

Dated: September 26, 2007



Flynn Barrison  
Reg. No. 53,970  
Agent for Applicant(s)

DARBY & DARBY P.C.  
P.O. Box 770  
Church Street Station  
New York, NY 10008-0770



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
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| APPL NO.   | FILING OR 371(c)<br>DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO   | TOT CLMS | IND CLMS |
|------------|--------------------------|----------|---------------|-------------------|----------|----------|
| 10/599,121 | 06/01/2007               | 1614     | 2540          | 20517/0205421-USO | 37       | 5        |

CONFIRMATION NO. 4503

7278

DARBY & DARBY P.C.  
 P.O. BOX 770  
 Church Street Station  
 New York, NY 10008-0770

## FILING RECEIPT



\*OC000000025855080\*

Date Mailed: 09/18/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Jakob Felding, Charlottenlund, DENMARK;  
 Hans Christian Pedersen, Copenhagen V, DENMARK;  
 Christian Krog-Jensen, Rungsted Kyst, DENMARK;  
 Morten Praestegaard, Ballerup, DENMARK;  
 Steven Peter Butcher, Copenhagen, DENMARK;  
 Viggo Linde, Copenhagen, DENMARK;  
 Thomas Stephen Coulter, Oxfordshire, UNITED KINGDOM;  
 Christian Montalbetti, Oxfordshire, UNITED KINGDOM;  
 Mohammed Uddin, London, UNITED KINGDOM;  
 Serge Reignier, Oxfordshire, UNITED KINGDOM;

## Assignment For Published Patent Application

Topo Target A/S, Copenhagen O, DENMARK

Power of Attorney: The patent practitioners associated with Customer Number 07278.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/DK05/00244 04/08/2005

## Foreign Applications

DENMARK PA 2004 00576 08/04/2004  
 DENMARK PA 2004 00693 05/01/2004  
 DENMARK PA 2004 01153 07/27/2004  
 DENMARK PA 2004 01216 08/11/2004

Computer *Jaw*  
 Deb Entry *Jaw*  
 Longleaf *Jaw*  
 Folmer *Jaw*  
 Card *Jaw*  
 Letter *Jaw*  
 Foreign Flg. *Jaw*

**If Required, Foreign Filing License Granted: 09/15/2007**

**The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/599,121****

**Projected Publication Date: 12/27/2007**

**Non-Publication Request: No**

**Early Publication Request: No**

**Title**

Diphenyl Ox-Indol-2-One Compounds and Their Use in the Treatment of Cancer

**Preliminary Class**

514

## **PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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## **LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



## UNITED STATES PATENT AND TRADEMARK OFFICE

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J. Williams

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO.  |
|-----------------------------|-----------------------|-------------------|
| 10/599,121                  | Jakob Felding         | 20517/0205421-USO |

INTERNATIONAL APPLICATION NO.

PCT/DK05/00244

I.A. FILING DATE

PRIORITY DATE

04/08/2005

05/01/2004

7278

DARBY & DARBY P.C.  
P.O. BOX 770  
Church Street Station  
New York, NY 10008-0770

CONFIRMATION NO. 4503

371 ACCEPTANCE LETTER



\*OC000000025855081\*

Date Mailed: 09/18/2007

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

06/01/2007

06/01/2007

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and  
(c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL 35 U.S.C. 371  
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 09/20/2006
- Copy of the International Search Report filed on 09/20/2006
- Preliminary Amendments filed on 09/20/2006
- Oath or Declaration filed on 06/01/2007
- U.S. Basic National Fees filed on 09/20/2006
- Substitute Specification filed on 09/20/2006
- Priority Documents filed on 09/20/2006
- Specification filed on 09/20/2006
- Claims filed on 09/20/2006
- Abstracts filed on 09/20/2006
- Drawings filed on 09/20/2006

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Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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ULYSSES G WALKER

Telephone: (703) 308-9290 EXT 130

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

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157970501

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**COMBINED DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is described and claimed and for which a patent is sought on the invention entitled:

**DIPHENYL OX-INDOL-2-ONE COMPOUNDS AND THEIR USE IN THE TREATMENT OF CANCER**

the specification of which was filed on April 8, 2005 as Application No. PCT/DK2005/000244.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein. I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigned more than twelve months prior to this application.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

**FOREIGN PRIORITY CLAIM**

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☐ no such foreign applications have been filed

☒ such foreign application have been filed as follows:

Attorney Docket No.: 20517/0205421-US0

**EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| Application Number | Country | Date of Filing  | Priority Claimed<br>Under 35 USC 119 |
|--------------------|---------|-----------------|--------------------------------------|
| PA 2004 00576      | DK      | April 8, 2004   | <u>  x  </u> Yes No <u>    </u>      |
| PA 2004 00693      | DK      | May 1, 2004     | <u>  x  </u> Yes No <u>    </u>      |
| PA 2004 01153      | DK      | July 27, 2004   | <u>  x  </u> Yes No <u>    </u>      |
| PA 2004 01216      | DK      | August 11, 2004 | <u>  x  </u> Yes No <u>    </u>      |

**ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

| Application Number | Country | Date of Filing |
|--------------------|---------|----------------|
|                    |         |                |
|                    |         |                |
|                    |         |                |

**CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS**

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☒ no such U.S. provisional applications have been filed.

☐ such U.S. provisional application have been filed as follows:

| Application Number | Date of Filing | Priority Claimed<br>Under 35 USC 119 |
|--------------------|----------------|--------------------------------------|
|                    |                | <u>    </u> Yes No <u>    </u>       |
|                    |                | <u>    </u> Yes No <u>    </u>       |
|                    |                | <u>    </u> Yes No <u>    </u>       |

**CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)**

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal

Attorney Docket No.: 20517/0205421-US0

Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☒ no such U.S./PCT applications have been filed.

☐ such U.S./PCT application have been filed as follows:

| Application Number | Date of Filing | Status<br>(Patented/Pending/Abandoned) |
|--------------------|----------------|--|
|                    |                |  |
|                    |                |  |
|                    |                |  |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the practitioners under Customer Number

07278

jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

Please mail all correspondence to **Customer Number 07278**, whose address is:

**Darby & Darby P.C.**  
P.O. Box 5257  
New York, New York 10150-5257

Attorney Docket No.: 20517/0205421-US0

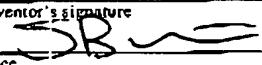
|   |      |
|---|------|
| Full name of sole or first inventor<br><b>Jakob FELDING</b>                         |      |
| Sole or first inventor's signature  | Date |
| Residence<br><b>Charlottenlund, Denmark</b>   |      |
| Citizenship <b>Denmark</b>  |      |
| Mailing Address<br><b>Ordruphøjvej 29, 1<br/>DK-2920 Charlottenlund<br/>DENMARK</b> |      |

|  |      |
|--|------|
| Full name of second inventor, if any<br><b>Hans Christian PEDERSEN</b>                 |      |
| Second inventor's signature  | Date |
| Residence<br><b>Copenhagen V, Denmark</b>  |      |
| Citizenship <b>Denmark</b>   |      |
| Mailing Address<br><b>Dannevirkegade 6 st. tv<br/>DK-1763 Copenhagen V<br/>DENMARK</b> |      |

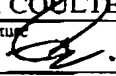
|  |      |
|--|------|
| Full name of third inventor, if any<br><b>Christian KROG-JENSEN</b>        |      |
| Third inventor's signature   | Date |
| Residence<br><b>Rungsted Kyst, Denmark</b>                                 |      |
| Citizenship <b>Denmark</b>   |      |
| Mailing Address<br><b>Tværevej 3<br/>DK-2960 Rungsted Kyst<br/>DENMARK</b> |      |

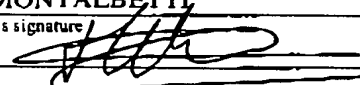
|  |      |
|--|------|
| Full name of fourth inventor, if any<br><b>Morten PRÆSTEGAARD</b>        |      |
| Fourth inventor's signature  | Date |
| Residence<br><b>Ballerup, Denmark</b>                                    |      |
| Citizenship <b>Denmark</b>   |      |
| Mailing Address<br><b>Bucparken 130<br/>DK-2750 Ballerup<br/>DENMARK</b> |      |

Attorney Docket No.: 20517/0205421-US0

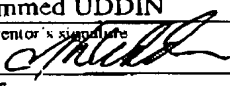
|   |                         |
|---|-------------------------|
| Full name of fifth inventor, if any<br><b>Steven Peter BUTCHER</b>  |                         |
| Fifth inventor's signature<br> | Date<br><b>30/10/06</b> |
| Residence<br><b>Copenhagen, Denmark</b>   |                         |
| Citizenship<br><b>United Kingdom</b>  |                         |
| Mailing Address<br><b>Rothersgade 9, 1.th<br/>DK-2100 Copenhagen<br/>DENMARK</b>                                |                         |

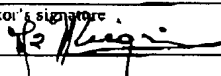
|  |      |
|--|------|
| Full name of sixth inventor, if any<br><b>Viggo LINDE</b>                              |      |
| Sixth inventor's signature   | Date |
| Residence<br><b>Copenhagen, Denmark</b>  |      |
| Citizenship<br><b>Denmark</b>  |      |
| Mailing Address<br><b>J.E. Ohlsensgade 11, 3.th<br/>DK-2100 Copenhagen<br/>DENMARK</b> |      |

|   |                           |
|---|---------------------------|
| Full name of seventh inventor, if any<br><b>Thomas Stephen COULTER</b>  |                           |
| Seventh inventor's signature<br> | Date<br><b>31/10/2006</b> |
| Residence<br><b>Oxfordshire, United Kingdom</b>   |                           |
| Citizenship<br><b>United Kingdom</b>  |                           |
| Mailing Address<br><b>Orchard Lodge, Grove Bridge, Wantage<br/>Oxfordshire<br/>OX12 7PA<br/>UNITED KINGDOM</b>      |                           |

|  |                           |
|--|---------------------------|
| Full name of eighth inventor, if any<br><b>Christian MONTALBETTI</b>   |                           |
| Eighth inventor's signature<br> | Date<br><b>06/11/2006</b> |
| Residence<br><b>Oxfordshire, United Kingdom</b>  |                           |
| Citizenship<br><b>Switzerland</b>  |                           |
| Mailing Address<br><b>23 Reading Road, Wallingford<br/>Oxfordshire<br/>OX 9DS<br/>UNITED KINGDOM</b>               |                           |

Attorney Docket No.: 20517/0205421-US0

|   |                           |
|---|---------------------------|
| Full name of ninth inventor, if any<br><b>Mohammed UDDIN</b>  |                           |
| Ninth inventor's signature<br> | Date<br><b>06/11/2006</b> |
| Residence<br><b>London, United Kingdom</b>  |                           |
| Citizenship<br><b>United Kingdom</b>  |                           |
| Mailing Address<br><b>18 Vale Road, Forest Gate<br/>London<br/>E7 8BJ<br/>UNITED KINGDOM</b>                    |                           |

|   |                               |
|---|-------------------------------|
| Full name of tenth inventor, if any<br><b>Serge REIGNIER</b>  |                               |
| Tenth inventor's signature<br> | Date<br><b>06 Nov. 2 2006</b> |
| Residence<br><b>Oxfordshire, United Kingdom</b>   |                               |
| Citizenship<br><b>France</b>  |                               |
| Mailing Address<br><b>78 Rocbuck Court, Didcot<br/>Oxfordshire<br/>OX11 8UU<br/>UNITED KINGDOM</b>              |                               |

|  |      |
|--|------|
| Full name of eleventh inventor, if any |      |
| Eleventh inventor's signature          | Date |
| Residence                              |      |
| Citizenship                            |      |
| Mailing Address                        |      |

|                                       |      |
|---------------------------------------|------|
| Full name of twelfth inventor, if any |      |
| Twelfth inventor's signature          | Date |
| Residence                             |      |
| Citizenship                           |      |
| Mailing Address                       |      |

\*\*\*\*\*  
\*\*\* RX REPORT \*\*\*  
\*\*\*\*\*

RECEPTION OK

|                   |              |
|-------------------|--------------|
| TX/RX NO          | 8885         |
| RECIPIENT ADDRESS | 212 608 6644 |
| DESTINATION ID    |              |
| ST. TIME          | 09/27 08:50  |
| TIME USE          | 04'35        |
| PGS.              | 14           |
| RESULT            | OK           |